

**COMBINED DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES  
PATENT APPLICATION**

As a below named inventor, we hereby declare that:

My residence, post office address and citizenship are the same as stated below next to my name.

We believe we are an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:-

Food Supplement

the specification of which

☐

is attached hereto

☒

was filed as PCT International application No. PCT/AU99/00273 on 14th April 1999 and was amended on 11th November 1999

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information known to us to be material to the examination of this application in accordance with Title 37, Code of Federal Regulations, S1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, S119 of any foreign application for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the applicant on which priority is claimed.

Number	Country	Filing Date (d/m/y)	Priority Claimed
PP2915	Australia	14th April 1998	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

We hereby claim the benefit under Title 35, United States Code, S120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by



the first paragraph of Title 35, United States Code, S112, we acknowledge the duty to disclose all information known to us to be material to patentability as defined in Title 37, Code of Federal Regulation, S1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No.      Filing Date (d/m/y)      Status (Patented, Pending, Abandoned)

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

(2) Henry D. Coleman, Reg. No. 32,559;      R. Neil Sudol, Reg. No. 31,669

Address all telephone calls to:      R. Neil Sudol/Henry D. Coleman  
at Telephone No. (212)6790090

Address all correspondence to:      R. Neil Sudol/Henry D. Coleman  
at Coleman Sudol, LLP  
708 Third Avenue 14th Floor  
NEW YORK NEW YORK 10017-4104  
UNITED STATES OF AMERICA

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor:- Timothy LANG

Residence:      Level 3, 71 Archer Street, Chatswood, New South Wales 2067, Australia

Post Office Address:      as above

Country of Citizenship      AUSTRALIA

Date 11<sup>th</sup> September 2000

Timothy LANG 

00400T: 22274960

Full name of second inventor:-

<sup>200</sup>  
Derek DENTON

Residence: 816 Orrong Road, Toorak, Victoria 3142, Australia

Post Office Address: as above

Country of Citizenship

AUSTRALIA

Date

25/8/2000

Derek Denton  
Derek DENTON

*AUX*

Full name of third inventor:-

<sup>300</sup>  
Anthony R BIRD

Residence: Kintore Avenue, Adelaide, South Australia 5000, Australia

Post Office Address: as above

Country of Citizenship

AUSTRALIA

Date

17/8/00

Anthony R Bird  
Anthony R BIRD

*AUX*

Full name of fourth inventor:-

<sup>400</sup>  
David TOPPING

Residence: Kintore Avenue, Adelaide, South Australia 5000, Australia

Post Office Address: as above

Country of Citizenship

AUSTRALIA

Date

17/8/2000

David Topping  
David TOPPING

*AUX*

THIS MEMORANDUM OF ASSIGNMENT is made between ALLRAD 3 PTY LTD of c/- John G Brown, Brown Brothers Milawa Vineyards Pty Ltd, Milawa, Victoria 3678, Australia and PTI INVESTMENTS PTY LTD c/- Food Ingredients Technologies Australia Pty Ltd, PO Box 309 Chatswood, New South Wales, 2067, Australia (hereinafter called the Assignors) of the one part;

and FOOD INGREDIENTS TECHNOLOGIES INTANGIBLES (BERMUDA) LIMITED of Clarendon House, Church Street, Hamilton, Bermuda (hereinafter called the Assignee) of the other part;

NOW THIS MEMORANDUM OF ASSIGNMENT WITNESSETH that for the sum of one Australian dollar (A\$1.00) and other good and valuable consideration (receipt of which is hereby acknowledged) We, the Assignors, do hereby assign and transfer over to the Assignee all of our right title and interest in Patent Cooperation Treaty Application number PCT/AU99/00273 dated 14th April 1999 and entitled "Food Supplement" and to the Invention described therein including the right to apply for Letters Patent throughout the World and all Patents that may be granted thereon, and We, the Assignee, do accept from the Assignors all of the right title and interest in Patent Cooperation Treaty Application number PCT/AU99/00273 dated 14th April 1999 and entitled "Food Supplement" and to the Invention described therein including the right to apply for Letters Patent throughout the World and all Patents that may be granted thereon, to hold absolutely.

AND, we the Assignors hereby agree to sign, confirm and authenticate any and all forms, declarations and papers properly required by any Patent Office in support of any application for Letters Patent or similar protection and will promptly deliver the same to the Assignee provided that the Assignee shall bear all costs, fees and expenses in relation thereto.

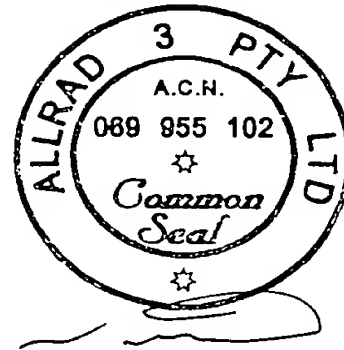
IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals on the day and year hereinafter mentioned.

THE COMMON SEAL of ALLRAD 3 PTY LTD )  
was hereunto affixed this 31<sup>st</sup> day of )  
AUGUST 2000 in accordance with its Articles )  
of Association in the presence of )

.....  
Signature of authorised person

.....  
DIRECTOR  
Office held

.....  
TIMOTHY RALSTON LANG  
Name of authorized person  
(Block letters)



.....  
Signature of authorised person

.....  
DIRECTOR  
Office held

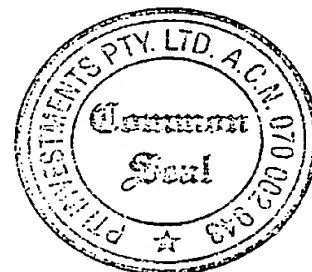
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GRAHAM CHARLES NOTTLE  
Name of authorized person  
(Block letters)

THE COMMON SEAL of PTI INVESTMENTS )  
PTY LTD was hereunto affixed this 31<sup>st</sup> day of )  
AUGUST 2000 in accordance with its Articles )  
of Association in the presence of )

.....  
Signature of authorised person

.....  
DIRECTOR  
Office held

.....  
TIMOTHY RALSTON LANG  
Name of authorized person  
(Block letters)

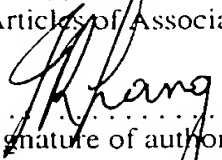


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Signature of authorised person

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DIRECTOR  
Office held

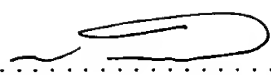
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GRAHAM CHARLES NOTTLE  
Name of authorized person  
(Block letters)

THE COMMON SEAL of FOOD INGREDIENTS )  
TECHNOLOGIES INTANGIBLES (BERMUDA) )  
LIMITED was hereunto affixed this 31<sup>ST</sup> day of )  
AUGUST 2000 in accordance with its )  
Articles of Association in the presence of )

  
.....  
Signature of authorised person

...DIRECTOR.....  
Office held

.....TIMOTHY NALSTON LANG.....  
Name of authorized person  
(Block letters)

  
.....  
Signature of authorised person

...DIRECTOR.....  
Office held

.....GRAHAM CHARLES NOTICE.....  
Name of authorized person  
(Block letters)

Applicant: FOOD INGREDIENTS TECHNOLOGIES  
INTANGIBLES (BERMUDA) LIMITED  
Clarendon House, Church Street, Hamilton, Bermuda  
Serial No.: N/A  
Filed: 14th April 1998  
For: Food Supplement

VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
SMALL BUSINESS CONCERN

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: FOOD INGREDIENTS TECHNOLOGIES  
INTANGIBLES (BERMUDA) LIMITED

ADDRESS OF CONCERN: Clarendon House, Church Street, Hamilton, Bermuda

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention, entitled: FOOD SUPPLEMENT by Inventors Timothy LANG, Derek DENTON, Anthony R BIRD and David TOPPING described in the specification filed herewith.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify

as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME:

ADDRESS:

INDIVIDUAL

SMALL BUSINESS CONCERN

NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28 (b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such wilful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

GRAHAM CHARLES NOTTLE

TITLE OF PERSON OTHER THAN OWNER:

MANAGING DIRECTOR

ADDRESS OF PERSON SIGNING:

44 ILENS RD FRENCHS FOREST  
NSW 2086

SIGNATURE:



DATE:

31 AUGUST 2000